

SENATE No. 731

The Commonwealth of Massachusetts

PRESENTED BY:

Baddour, Steven (SEN) (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Restricting Psychiatric Care.

PETITION OF:

NAME:

Brian J. Coppola

DISTRICT/ADDRESS:

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The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RESTRICTING PSYCHIATRIC CARE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any law or special policy any psychiatrist who has received any state or federal
2 aids for their education or to establish their practice or both, shall not turn any new patient away unless
3 accepting any new patients would cause an undue hardship on their workload. Any psychiatrist turning
4 away new patients without the showing that taken the said new patients would have an detrimental impact
5 on their workload shall forfeit any state or federal aid that they had received for the establishment of their
6 practice and may not apply to accept Mass Health for a period of 1 year upon the determination by the
7 state's psychiatric licensing board that a psychiatrist had illegally turned away any new patient without
8 showing that taking said new patients would have a detrimental effect on their workload.

9 A psychiatrist in accepting new patients may only turn away a new patient if said new patient has not
10 been referred to them by their primary care physician.

11 The referral to a psychiatrist by a primary care physician to a new patient shall be made in writing. Said
12 referral by a primary care physician need only state that their patient is in need of psychiatric care. The
13 new patient must furnish this referral upon the first visit to the psychiatrist.

14 The process shall be repeated every time a patient needs to or wishes to go to a new psychiatrist for
15 psychiatric care.

16 Any psychiatrist or their staff who retaliates against a new patient filing a complaint with the state
17 licensing board for failing to accept new patients shall forfeit their license to practice psychiatry for a
18 period of 1 year and be fined no more than \$10,000.00 or both.